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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
Slobodanka Rodriguez, RN	:	
License # 26NR13503800	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>September 15, 2015</u>)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Slobodanka Rodriguez ("Respondent") is a Registered

Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).

2. Upon receipt of information that Respondent had been terminated from St. Joseph's Regional Medical Center for performance issues related to suspected impairment while on duty and diversion, the Board sent Respondent a Demand for Written Statement Under Oath, to her address of record in Paterson, New Jersey, via regular and certified mail, seeking information regarding the incident which led to termination of her nursing employment, continuing education, and other information. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The regular mailing was not returned. The certified letter was returned to the Board as "unclaimed". (Exhibit B). Respondent failed to reply.

3. The Board's designated intervention program, the Recovery and Monitoring Program (RAMP), notified the Board that Respondent had failed to enroll in or participate with the program. (Exhibit C).

4. On June 2, 2014, Respondent completed an online application to renew her nursing license and answered yes to the question which asked whether she completed the thirty hours of required continuing education during the June 1, 2012 - May 31,

2014 biennial period. Respondent also answered that she had not completed the required one hour course on Organ and Tissue Donation. (Pertinent portion attached as Exhibit E).

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of license. N.J.A.C. 13:37-5.3(a). Additionally, a nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

By virtue of having failed to respond to the inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of

required continuing education during the June 1, 2012 - May 31, 2014 biennial period. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h). Respondent also violated N.J.A.C. 13:37-5.7 by failing to notify the Board of a change of address within thirty days of the change. Additionally, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 1-21(b) by falsely certifying on her renewal application that she had completed the required continuing education when she did not demonstrate that she did so.

Lastly, the termination of Respondent's employment for reasons related to impairment while on duty and diversion raises sufficient concern such that testing, monitoring, and evaluation, are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(e) and treatment may be necessary to properly discharge nursing functions pursuant to

N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS on this 4th day of June, 2015
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in
this matter:

1. Respondent's license to practice nursing is suspended until Respondent a) provides all the requested information in the Board's November 3, 2014, Demand for Written Statement Under Oath, b) provides proof of completion of 30 hours of continuing education for every biennial period beginning June 1, 2012, including the one hour course on Organ and Tissue Donation, and c) until further Board Order.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of RAMP, demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, answers all inquiries regarding her termination of employment from St. Joseph's Regional Medical Center to the satisfaction of the Board, and demonstrates that she is up to date with her continuing education. In the event Respondent's license is not suspended upon the issuance of a

Final Order of Discipline, then Respondent shall be required to enroll in and begin participation with RAMP, to undergo evaluation, within thirty days of the filed Final Order of Discipline.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A civil penalty in the total amount of seven hundred fifty dollars (\$750) is imposed upon Respondent, which includes a penalty of five hundred dollars (\$500) for failing to cooperate with a Board investigation and a penalty of two hundred and fifty dollars (\$250) for failing to timely complete continuing education. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of any Final Order of Discipline in this matter. In the event Respondent

fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

6. A reprimand is imposed on Respondent for her violation of N.J.S.A. 45:1-21(b) by providing a false answer on her renewals regarding her completion of continuing education.

7. Upon finalization of this Order, Respondent shall refrain from practicing nursing and shall not represent herself as a registered nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

8. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

9. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

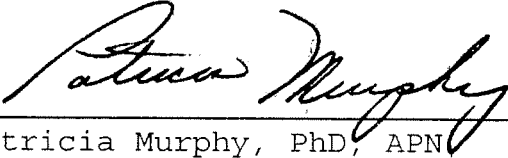
10. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

11. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order

of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

12. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the underlying conduct which lead to Respondent's termination of employment, the results of the comprehensive mental health and substance abuse evaluation, or upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President